

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

The parties have stipulated and agreed that: (1) Continental Western Insurance Co. would deposit with the court the sum of \$1,026,500, which represents its liability limits and remaining PIP benefits under its insurance policy with David Porter, in exchange for releases of claims by the remaining parties and their agreement that Continental Western Insurance Co. maybe dismissed with prejudice; and (2) the court would determine in accordance with the claims of the remaining parties who is entitled to the money so deposited and in what amounts. Based on the foregoing, it is hereby

ORDERED as follows:

1. Continental Western Insurance Co. shall deposit the total sum of \$1,026,500.00 into the registry of the Court by two checks as follows:
 - a. A check in the amount of \$1,000,000.00 and a check in the amount of \$26,500.00 shall be sent to the United States District Court, Clerk of Court, 220 East Rosser Avenue, P.O. Box 1193, Bismarck, North Dakota 58502;

- b. the two checks shall be made payable to the United States District Court; and
 - c. the two checks shall include a reference to the case number.
2. Upon the deposit by Continental Western Insurance Co. being properly made:
 - a. the Court will order the entry of a partial judgment of dismissal dismissing Continental Western Insurance Co. as to all claims with prejudice, and
 - b. the Court will proceed to determine the claims of the remaining parties to the deposited funds and enter final judgment accordingly.

Dated 6th day of October, 2011.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge
United States District Court